

REMARKS/ARGUMENTS

This Amendment is submitted in response to the final Office Action issued August 4, 2009. Claims 8-17 were pending in the application. In the Office Action, claims 8-17 were rejected. In this Amendment, claims 8, 11, 14, and 17 have been amended. No new matter has been added. A Request for Continued Examination is submitted herewith.

Claims 8-17 thus remain for consideration. Applicants submit that claims 8-17 are in condition for allowance and request withdrawal of the rejections in light of the following remarks.

Claims 8-13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,286,140 to Ivanyi ("Ivanyi") in view of U.S. Patent No. 6,530,082 to Del Sesto et al. ("Del Sesto"), in further view of U.S. Patent No. 5,872,588 to Aras et al. ("Aras"), in even further view of U.S. Patent No. 6,961,954 to Maybury et al. ("Maybury"), and in even further view of U.S. Patent No. 5,801,747 to Bedard ("Bedard").

Claims 14, 16, and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ivanyi in view of Del Sesto, in further view of Aras, and in even further view of Maybury.

Claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ivanyi in view of Del Sesto, in further view of Aras, in even further view of Maybury, and in even further view of U.S. Patent No. 6,704,929 to Ozer et al. ("Ozer").

In explaining such rejections, the Examiner states "Ivanyi, Delsesto and Aras are silent on program information including a program label indicating the type of program and unit portions separated based on different content specific to the type of program." (8/4/09 Office Action, p.6). Accordingly,

the Examiner supplements the previously cited prior art with Maybury. However, Maybury fails to cure the deficiencies of Ivanyi, Delsesto, Aras and Bedard.

While Maybury may disclose separating a television program into different segments based on content, Maybury fails to disclose *"computing viewing and listening information concerning viewing and listening, wherein the viewing and listening information includes viewer preferences for each unit portion of a program"* as recited in claim 8, emphasis supplied.

Maybury merely teaches segmenting a program such as a news cast into segments for performing searching related to the content in those segments. (See, e.g., Maybury Col.18 ll.30-51). Maybury nowhere discloses anything related to viewer preferences for each of the segments. Indeed, Maybury does not contemplate computing any viewer-related information at all. Thus, Maybury does not cure the deficiencies of Ivanyi, Delsesto, Aras, or Bedard.

For at least these reasons, Applicants respectfully submit that the claims of the present application are patentable over the cited references, taken alone or in combination. Nevertheless, in the interest of moving the present application towards allowance, Applicants have amended the independent claims to even further distinguish over the prior art.

Independent claims 8 and 11 have been amended. Claim 8, for example, has been amended to recite *"wherein computing the viewing and listening information includes computing a rating for each unit portion of the program."*

Independent claims 14 and 17 have also been similarly amended. Claim 14, for example, has been amended to recite:

"a viewing and listening information management computer for computing viewing and listening information, including a

rating, concerning viewing and listening for each unit portion of a program based on the reception log, the receiver ID, and the program information, and for transmitting the computed viewing and listening information to a program producer." (Emphasis added).

Support for these amendments may be found in the specification at, for example, page 25 lines 1-14.

None of the cited references teach computing ratings for each unit portion of a program, where the unit portions are designated based on program content. Indeed, none of the references teach computing ratings for different portions of a program at all.

In view of the above, Applicants respectfully submit that independent claims 8, 11, 14, and 17, and all claims depending therefrom, are patentable over Ivanyi, Delsesto, Aras, Maybury, and Bedard, taken alone or in any combination. Accordingly, Applicants respectfully request that rejections of claims 8-17 be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that she telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which she might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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